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[other counsel in signature block]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND

LYNN SLOVIN, an individual, on her own
 behalf and on behalf of all others similarly
 situated,

Plaintiff,

v.

SUNRUN, INC., a California corporation,
 CLEAN ENERGY EXPERTS, LLC, a
 California limited liability company doing
 business as SOLAR AMERICA, and DOES 1
 through 5, inclusive,

Defendants.

Case No. 4:15-cv-05340-YGR

(Hon. Yvonne Gonzalez Rogers)

STIPULATION TO CONTINUE DATES

TAC Filed: July 12, 2016
 Trial Date: None Set

STIPULATION TO CONTINUE DATES

1 Plaintiffs Lynn Slovin, Samuel Katz, Jeffrey Price, and Justin Birkhofer (“Plaintiffs”) and
2 Defendants Sunrun Inc. (“Sunrun”) and Clean Energy Experts, LLC (“CEE”) (“Defendants”)
3 (collectively, the “Parties”), by and through their respective counsel, hereby stipulate as follows:

4 **1. Background**

5 a. On February 28, 2017, the Court entered an order continuing deadlines for the
6 motion for class certification and the exchange of expert reports to permit the parties sufficient
7 time to prepare for a private mediation (the “Order”) (ECF No. 84). The parties attended a private
8 mediation on March 7, 2017 before the Hon. Edward Infante, Ret., and while the mediation was
9 productive, the mediation did not result in a settlement.

10 b. The Order provided deadlines for Plaintiffs and Defendants to exchange expert
11 reports on May 26, 2017 and June 26, 2017, respectively. Prior to the mediation, Plaintiffs
12 retained Anya Verkhovskaya and Randall Snyder to provide expert testimony in support of
13 Plaintiffs’ planned class certification motion on topics including methodologies for ascertaining
14 the class members and whether Defendants and their vendors used automatic dialing systems.
15 Plaintiffs’ experts have continued to analyze Defendants’ calls records, call records produced by
16 third party vendors, lead data provided by Defendants, and the recently completed Rule 30(b)(6)
17 depositions. However, Plaintiffs’ experts need additional time to analyze additional documents
18 and other evidence that Plaintiffs received in the last two months or so. Likewise, the parties have
19 otherwise diligently worked on class discovery: extensive written discovery (including ongoing
20 productions by non-party vendors under Plaintiffs’ subpoenas); and ten (10) depositions (including
21 depositions of Plaintiffs and Defendants’ 30(b)(6) witnesses) that started in February 2017.
22 Defendants’ most recent Rule 30(b)(6) deposition was on June 16, 2017.

23 c. However, despite the parties’ very concerted efforts, the Order’s current schedule is
24 no longer feasible because of ongoing class related discovery. As such, there is good cause to
25 continue the schedule in the Order.

1 **2. The Parties' Agreement to A Short Extension of the Deadlines on Plaintiffs' Expert Report**

2 a. The parties attempted to schedule Defendants' Rule 30(b)(6) depositions on topics
3 necessary for Plaintiffs' expert reports well prior to the May 26 deadline. However, the parties
4 were not able to find a mutually agreeable time for these Rule 30(b)(6) witnesses, until April 26,
5 May 17, May 19, June 15, and June 16. Both parties recognized this delay would impact
6 Plaintiffs' ability to serve timely expert reports as well as Defendants' ability to exchange rebuttal
7 expert reports. To forestall potential disputes and avoid troubling the Court, the parties agreed that
8 a short delay in exchanging reports would not impact this Court's deadlines and that they would
9 work out a stipulation to seek a formal extension of the schedule if it proved necessary.

10 **3. Defendants' Production of CRM Data**

11 Plaintiffs contend that they need Defendants' customer relationship management ("CRM")
12 data to address limitations in Defendants' call records relevant to class certification. (See ECF No.
13 98.) While Defendants produced certain CRM data for the named plaintiffs, Plaintiffs argued that
14 they needed additional CRM data for the class members. On May 11 (well before Plaintiffs' May
15 26 deadline), the parties were in the process of preparing a joint letter brief for a motion to compel
16 additional CRM records from Defendants. On May 15, the Court ordered the parties to meet and
17 confer, in person. (ECF No. 97.) Plaintiffs met and conferred again, and filed their motion to
18 compel on June 1. (ECF No. 98.) On June 8, the Court compelled production of additional CRM
19 data. (ECF No. 104.) Defendants have since produced a significant amount of CRM data, on a
20 rolling basis and completed that production about two weeks ago. Plaintiffs contend that they
21 need the CRM data to prepare their reports because the data contains details about the calls, such
22 as the consumers' phone number and the source of the lead, inter alia. (*See* ECF No. 98.)

23 **4. Defendants' Production of Call Records**

24 a. Defendants produced the vast majority of their call records in late January 2017. In
25 early-March 2017, Defendants produced additional call records that were located. In late April
26 2017, Defendants produced records from their Grasshopper system concerning routed calls that
27 were located. These records contained call records relating to Plaintiff Price and putative class
28 members. It is Plaintiffs' position that the April 2017 production necessitated a deposition of a

Rule 30(b)(6) witness designated on Defendants' use of Grasshopper and the class records it maintained. Defendants have agreed to produce call records from CallFire, one of their dialers in the upcoming weeks but do not have an estimated date for production. Defendants have not produced any documents from Skype, also used to make outbound calls to consumers during the class period. The parties are working to obtain these call records through a subpoena process.

b. Plaintiffs' counsel anticipate that Plaintiffs' experts will need until August 25 to review the many gigabytes of data produced, much of it produced on a rolling basis after the June 8th Motion to Compel Order, to complete their expert reports. Once Defendants receive Plaintiffs' expert report(s), Defendants will need a minimum of sixty days to provide a responsive expert report, as it takes a significant amount of time to analyze call records. Defendants do not know which records Plaintiffs have elected to analyze and will not know this information until Defendants receive Plaintiffs' expert report.

IT IS HEREBY STIPULATED AND AGREED that, subject to Court approval, the current deadlines set in this matter be vacated and re-set as follows:

Event	Current Deadline	Requested Deadline
Plaintiffs' Expert Report Due	May 26, 2017	August 25, 2017
Defendants' Expert Report Due	June 26, 2017	October 24, 2017
Rebuttal Expert Reports	July 17, 2017	November 14, 2017
Deadline to File Class Certification Motion	August 28, 2017	December 8, 2017
Deadline to File Opposition to Motion to Certify		January 16, 2018
Deadline to File Reply in Support of Motion to Certify		January 30, 2018
Class Certification Hearing	October 3, 2017	February 13, 2018 or such other date convenient with the Court

DATED: August 1, 2017

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By: /s/ David C. Parisi

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Attorneys for Plaintiffs

DATED: August 1, 2017

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Attorneys for Defendants Sunrun Inc. and
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Pursuant to Local Rule 5-4.3.4(a)(2)(i), I attest that all other signatories listed, and on
whose behalf the filing is submitted, concur in the filing of this stipulation and have authorized the
filing of this stipulation.

DATED: August 1, 2017

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